IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

Bail Appl..No. 5432 of 2007()

PETITIONER/ACCUSED

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1. AYISHAKUTTY,W/O. C.H.HAMZA HAJI,
   CHALIL HOUSE, KUNNUMMAL, MALAPPURAM.

2. RASHEEDA, D/O. C.H. HAMZA HAJI,
   CHALIL HOUSE, KUNNUMMAL, MALAPPURAM.

3. SALEENA, D/O. C.H. HAMZA HAJI,
   CHALIL HOUSE, KUNNUMMAL, MALAPPURAM.

4. SUMAYYA, W/O. C.H. ABDUL AZEEZ,
   CHALIL HOUSE, KUNNUMMAL, MALAPPURAM.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: STATE

THE STATE OF KERALA,REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
MALAPPURAM POLICE STATION-THROUGH
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.5432 of 2007

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Dated this the 10th day of September, 2007

ORDER

Application for anticipatory bail. The petitioners face allegations under Sec.452 and 427 read with 34 IPC. Crime was registered on the basis of a private complaint filed by the de facto complainant before the learned Magistrate which was referred by the learned Magistrate to the Police under Sec.156(3) Cr.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the allegations are raised with fraudulent intention. There is a civil dispute between the parties. The litigation is pending. Only to vex and harass the petitioners, such false allegations have been raised by the de facto complainant.

3. The learned Public Prosecutor does not oppose the said application. The learned Public Prosecutor only submits that appropriate directions may be imposed. I am satisfied ,in the facts and circumstances of the case, that anticipatory bail can be granted to the petitioners.

4. In the result this petition is allowed. The following directions are issued under Sec.438 Cr.P.C.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 17.09.2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 18.09.2007 and 19.09.2007 and thereafter as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 17.9.2007, they shall be released on bail on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 17.09.2007.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE